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SENATE BILL 177

46TH LEGISLATURE - STATE OF NEW MEXICO - SECOND SESSION, 2004

INTRODUCED BY

Manny M Aragon

AN ACT

RELATING TO GOVERNMENT ORGANIZATION; CHANGING THE NAME OF THE GOVERNOR'S COMMITTEE ON CONCERNS OF THE HANDICAPPED TO THE GOVERNOR'S COMMISSION ON DISABILITY.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF NEW MEXICO:

Section 1. Section 28-10-1 NMSA 1978 (being Laws 1973, Chapter 349, Section 1, as amended) is amended to read:

"28-10-1. GOVERNOR'S [~~COMMITTEE ON CONCERNS OF THE HANDICAPPED~~] COMMISSION ON DISABILITY. --

A. There is created the "governor's [~~committee on concerns of the handicapped~~] commission on disability" consisting of thirteen members, nine of whom shall be appointed by the governor. The four remaining members shall [~~include~~] be the director of the [~~division of~~] vocational rehabilitation division of the [~~department of~~] public education department,

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1 the ~~[director]~~ secretary of ~~[employment services division of~~
2 ~~the human services department]~~ labor or his designee, the
3 director of the behavioral health services division of the
4 ~~[health and environment]~~ department of health and the ~~[director~~
5 ~~of the social services division of the]~~ secretary of human
6 services ~~[department]~~ or his designee. Initially, three
7 members shall be appointed for terms ending December 31, 1978,
8 three members for terms ending December 31, 1980 and three
9 members for terms ending December 31, 1982. Thereafter,
10 appointments shall be for six years expiring on December 31 of
11 even-numbered years. Appointed members shall be appointed from
12 different geographic areas of the state and from the major
13 ~~[handi-capped]~~ disability services in the state. Appointed
14 members shall include ~~[handi-capped persons]~~ individuals with
15 disabilities, representatives of government, private
16 enterprise, parents or guardians of ~~[handi-capped persons]~~
17 individuals with disabilities and professionals in, or those
18 who are interested in, service for ~~[handi-capped]~~ individuals
19 with disabilities. Not more than five of the members appointed
20 by the governor shall be of the same political party.

21 B. A majority of the members of the ~~[committee]~~
22 commission constitutes a quorum for the transaction of
23 business. The ~~[committee]~~ commission shall meet at least twice
24 a year and shall annually elect a chairman and a vice chairman.

25 C. The ~~[committee]~~ commission shall be primarily

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1 concerned with those [~~handi-capped~~] individuals with
2 disabilities who have a [~~disability or~~] condition which,
3 regardless of its physical or mental origin, constitutes a
4 substantial occupational disadvantage. "

5 Section 2. Section 28-10-2 NMSA 1978 (being Laws 1973,
6 Chapter 349, Section 2, as amended) is amended to read:

7 "28-10-2. GOVERNOR'S [~~COMMITTEE ON CONCERNS OF THE~~
8 ~~HANDICAPPED~~] COMMISSION ON DISABILITY - - POWERS AND DUTIES. - - The
9 governor's [~~committee on concerns of the handicapped~~]
10 commission on disability shall establish and maintain a
11 comprehensive statewide program designed to encourage and
12 promote attention to the concerns of the training and
13 employment of [~~the handicapped persons~~] individuals with
14 disabilities in this state. To further this purpose, the
15 [~~committee~~] commission shall:

16 A. cooperate with the president's committee on
17 employment of [~~the handicapped~~] individuals with disabilities
18 and other federal efforts on behalf of [~~handi-capped~~] disability
19 concerns;

20 B. cooperate with all employers and training
21 leaders, both public and private, in locating or developing
22 employment opportunities for [~~the handicapped~~] individuals with
23 disabilities;

24 C. encourage and assist in the organization and
25 operation of committees at the community level, the chairmen of

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1 which shall automatically become members of the advisory
2 council authorized under Section 28-10-4 NMSA 1978;

3 D. assist state, local and federal agencies to
4 coordinate their activities to secure maximum utilization of
5 funds and efforts that aid in the training and employment of
6 ~~[the handicapped]~~ individuals with disabilities;

7 E. enter into written agreements with public and
8 private employers, unions and rehabilitation agencies for the
9 purpose of achieving the maximum employment of ~~[handicapped]~~
10 individuals with disabilities;

11 F. inform ~~[handicapped job-seekers]~~ individuals
12 with disabilities who are seeking jobs of specific facilities
13 available to assist them in locating suitable training and
14 employment;

15 G. conduct educational programs via publications
16 and other means to acquaint the public, the legislature and the
17 governor with the abilities and the accomplishments of
18 ~~[handicapped persons]~~ individuals with disabilities;

19 H. promote the elimination of architectural
20 barriers in construction so as to make buildings used by the
21 public readily accessible to and usable by persons with
22 physical limitations;

23 I. make such rules as it determines advisable for
24 the conduct of its own business;

25 J. designate standing ~~[subcommittees]~~ committees

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1 related to state planning, community organization, public
2 relations and information, legislative action, federal
3 coordination, state coordination, youth, medical
4 rehabilitation, employers and awards;

5 K. designate such special [~~subcommittees~~
6 committees as necessary for undetermined periods to carry out
7 special short-term programs;

8 L. establish and administer a residential
9 accessibility modification program to assist low-income
10 [~~handi-capped persons~~] individuals with disabilities to make
11 accessibility modifications to residential dwellings as needed
12 to enable those [~~handi-capped persons~~] individuals with
13 disabilities to remain in their homes or to leave institutional
14 settings and be reintegrated into the community; and

15 M. give advice and testimony on [~~handi-capped~~
16 disability concerns to the governor or the legislature or any
17 committee established by them, upon request. "

18 Section 3. Section 28-10-3 NMSA 1978 (being Laws 1973,
19 Chapter 349, Section 3, as amended) is amended to read:

20 "28-10-3. ADDITIONAL POWERS. --The governor's [~~committee~~
21 ~~on concerns of the handi-capped~~] commission on disability:

22 A. may receive on behalf of the state any gifts,
23 donations or bequests from any source to be used in carrying
24 out its duties; and

25 B. is designated as the state agency for handling

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1 all programs of the federal government related to the concerns
2 of [~~the handicapped~~] individuals with disabilities except those
3 designated by law as the responsibility of another state agency
4 and may enter into contracts and agreements with agencies of
5 the federal government for this purpose [~~which~~] that do not
6 conflict with existing programs of other state agencies. "

7 Section 4. Section 28-10-3.1 NMSA 1978 (being Laws 1995,
8 Chapter 95, Section 1) is amended to read:

9 "28-10-3.1. FULL-SERVICE GASOLINE STATIONS--DECAL
10 DISPLAY--SERVICE TO [~~HANDICAPPED~~] INDIVIDUALS WITH
11 DISABILITIES. --

12 A. The governor's commission on [~~the concerns of~~
13 ~~the handicapped~~] disability shall design and produce a decal
14 for display in full-service gasoline stations signifying that
15 the gasoline station will provide gasoline pumping, window
16 washing, fluid checks and other services provided at its full-
17 service island to any properly permitted or certified
18 [~~handicapped~~] disabled driver at a self-service island.

19 B. Any full-service gasoline station providing the
20 services described in Subsection A of this section may request
21 and shall receive the decal upon application to the governor's
22 commission on [~~the concerns of the handicapped~~] disability.

23 C. No gasoline station shall display the decal
24 issued by the governor's commission on [~~the concerns of the~~
25 ~~handicapped~~] disability unless it provides full service to any

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1 ~~[handi-capped]~~ disabled driver at a self-service island.

2 D. Any gasoline station owner or operator who
3 displays a decal signifying that the station will provide
4 additional services to ~~[handi-capped]~~ disabled drivers at a
5 self-service island and who fails to provide that service shall
6 be subject to revocation of their decal for display according
7 to this ~~[act]~~ section. "

8 Section 5. Section 28-10-3.3 NMSA 1978 (being Laws 1999,
9 Chapter 297, Section 2) is amended to read:

10 "28-10-3.3. PROGRAM CREATED. --The "placard abuse
11 prevention program" is created in the governor's ~~[committee on~~
12 ~~concerns of the handi-capped]~~ commission on disability to ensure
13 compliance with statutes affecting parking privileges for
14 persons with severe mobility impairment and safe and effective
15 use of designated disabled parking space. The ~~[committee]~~
16 commission shall design and implement a program to:

17 A. monitor the system of eligibility for and use of
18 parking placards and special registration plates;

19 B. provide public awareness education and training
20 to address barriers to the appropriate use of designated
21 disabled parking space;

22 C. pursue efforts to reduce abuse and misuse of
23 designated disabled parking space privileges, including
24 revocation of parking placards and special registration plates;
25 and

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1 D. provide education, training and technical
2 assistance to local law enforcement agencies and volunteers on
3 enforcement of statutes affecting use of designated disabled
4 parking space. "

5 Section 6. Section 28-10-4 NMSA 1978 (being Laws 1973,
6 Chapter 349, Section 4, as amended) is amended to read:

7 "28-10-4. ADVISORY COUNCIL. --

8 A. The governor's ~~[committee on concerns of the~~
9 ~~handi-capped]~~ commission on disability shall appoint an
10 appropriate advisory council on ~~[concerns of the handi-capped]~~
11 disability, which shall include representatives of state
12 departments and agencies and individuals attentive to the
13 concerns of ~~[the handi-capped]~~ individuals with disabilities.

14 B. The advisory council shall meet at the call of
15 the chairman and shall make recommendations to the governor's
16 ~~[committee on concerns of the handi-capped]~~ commission on
17 disability for the improvement and coordination of state
18 activities relative to the concerns of ~~[the handi-capped]~~
19 individuals with disabilities. "

20 Section 7. Section 28-10-5 NMSA 1978 (being Laws 1973,
21 Chapter 349, Section 5, as amended) is amended to read:

22 "28-10-5. FUND FOR THE HANDICAPPED CREATED. --

23 A. There is created in the state treasury a "fund
24 for the handicapped". All funds, gifts, donations, bequests
25 and other income of the governor's ~~[committee on concerns of~~

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1 ~~the handicapped~~ commission on disability shall be deposited by
2 the director of the [~~committee~~] commission in that fund and
3 shall be available to the [~~committee~~] commission to further the
4 purpose of Sections 28-10-1 through 28-10-8.1 NMSA 1978 or for
5 the purposes stated by the donor or grantor of the funds.

6 B. Distributions made to the fund for the
7 handicapped from the handicapped housing modification permanent
8 fund shall constitute a separate account in the fund and are
9 appropriated to the governor's [~~committee on concerns of the~~
10 ~~handicapped~~] commission on disability for the purpose of
11 carrying out a residential accessibility modification program.

12 C. Money in the fund for the handicapped shall not
13 revert but shall be used only as provided in Sections 28-10-1
14 through 28-10-8.1 NMSA 1978. "

15 Section 8. Section 28-10-6 NMSA 1978 (being Laws 1973,
16 Chapter 349, Section 6, as amended) is amended to read:

17 "28-10-6. REPORTS. -- The governor's [~~committee on concerns~~
18 ~~of the handicapped~~] commission on disability and the advisory
19 council on disability shall submit reports on their work for
20 the preceding year to the governor and the legislature at least
21 forty-five days prior to each regular legislative session. The
22 report shall contain recommendations on present and future
23 needs of [~~handicapped~~] individuals with disabilities. "

24 Section 9. Section 28-10-7 NMSA 1978 (being Laws 1973,
25 Chapter 349, Section 7, as amended) is amended to read:

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1 "28-10-7. COMPENSATION. -- Members of the governor's
2 [~~committee on concerns of the handicapped~~] commission on
3 disability shall be reimbursed as provided in the Per Diem and
4 Mileage Act but shall receive no other compensation, perquisite
5 or allowance. Members of the advisory council on disability
6 may receive reimbursement in the same manner from funds
7 available to the [~~committee~~] commission, only for advisory
8 council meetings. "

9 Section 10. Section 28-10-8 NMSA 1978 (being Laws 1982,
10 Chapter 13, Section 1) is amended to read:

11 "28-10-8. ADMINISTRATIVE ATTACHMENT. -- The governor's
12 [~~committee on concerns of the handicapped~~] commission on
13 disability is administratively attached, as defined in the
14 Executive Reorganization Act, to the department of finance and
15 administration. "

16 Section 11. Section 28-10-8.1 NMSA 1978 (being Laws 1982,
17 Chapter 13, Section 2) is amended to read:

18 "28-10-8.1. DIRECTOR- - [~~COMMITTEE~~] COMMISSION STAFF. -- The
19 governor's [~~committee on concerns of the handicapped~~]
20 commission on disability shall appoint a director who is the
21 administrative officer of the [~~committee~~] commission. The
22 director shall employ other necessary employees under the
23 provisions of the Personnel Act. "

24 Section 12. TEMPORARY PROVISION- - TRANSFERS. --

25 A. On the effective date of this act, all

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1 appropriations, money, personnel, records, files, equipment,
2 furniture and other property of the governor's committee on
3 concerns of the handicapped are transferred to the governor's
4 commission on disability.

5 B. On the effective date of this act, all
6 contractual obligations of the governor's committee on concerns
7 of the handicapped shall be binding on the governor's
8 commission on disability.

9 C. On the effective date of this act, all
10 references in law to the governor's committee on concerns of
11 the handicapped shall be deemed to be references to the
12 governor's commission on disability.